IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5081 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NEELAMBEN MOHANLAL SHAH

Versus

HARAKCHAND RATNAJI SHAH DECEASED

Appearance:

1. Special Civil Application No. 5081 of 2003

MR SAVJANI for MR AJAY R MEHTA for Petitioner No. 1-2

..... for Respondent No. 1,2

MR MUKESH R SHAH for Respondent No. 1/1-1/10,1/3-1/6

DELETED for Respondent No. 1/2,1/7-1/9,2/1-2/6

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 28/08/2003

ORAL JUDGEMENT

Heard learned advocate Shri Savjani for the petitioners and learned advocate Shri Shah for the respondents.

2. The apprehension of the petitioners is that the trial court may not consider the evidence which has been adduced before it.

3. In my opinion, the Trial Court is bound to consider the pleadings and evidence while deciding the matter. I am sure, that whichever judgment of the Hon'ble Supreme Court, or of the Trial Court, the Trial Court will consider the same before taking final decision in the matter.

4. Learned advocate Shri Savjani has also relied upon the judgment delivered in the case of Dwarkaprasad v. Niranjan & Anr. reported in 2003 (2) G.L.H. 148

5. In view of the above observation made by this Court, learned advocate Shri Savjani does not press this petition and the petition is disposed of accordingly. Rule is discharged with no order as to costs.
Direct Service is permitted.

[A.R. DAVE, J.]

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